

# UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

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In the Matter of: )  
RONALD BRASHER, Licensee of )  
Private Land Mobile Stations )  
WPLQ202, KCG967, WPLD495, WPKH771, )  
WPKI739, WPKI733, WPKI707, WIL990, )  
WPLQ475, WPLY658, WPKY903, )  
WPKY901, WPLZ533, WPKI762, and )  
WPDU262. )  
Dallas/Fort Worth, Texas, et al. )

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## BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

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 Dallas/Fort Worth, Texas, et al. )

Hearing Room  
 Federal Communications  
 Commission  
 445 12th Street, S.W.  
 TWA 363  
 Washington, D.C.

Monday,  
 October 23, 2000

The parties met, pursuant to Notice of the  
 Commission, at 9:00 a.m.

BEFORE: HONORABLE ARTHUR I. STEINBERG  
 Administrative Law Judge

## APPEARANCES:

For the Revocation:

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## APPEARANCES (Continued):

For the Federal Communications Commission:

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Heritage Reporting Corporation  
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P R O C E E D I N G S

(9:00 a.m.)

JUDGE STEINBERG: On the record. This is a prehearing conference in EB Docket Number 00-156, involving an order to show cause, hearing designation order, and notice of opportunity for hearing which was released by the Commission on August 29, 2000.

The issues in this proceeding seek to determine ultimately whether certain licenses should be revoked and whether certain applications should be granted. By an order released September 1, 2000, this case was assigned to me. And the date of the initial prehearing conference was set for today. Let me first take the appearances of the parties. Who's appearing on behalf of Ronald Brasher?

MR. HIGGS: Michael Higgs on behalf of Schwaninger & Associates.

JUDGE STEINBERG: You don't have to get up.

MR. SCHWANINGER: And Robert Schwaninger on behalf of Schwaninger & Associates.

JUDGE STEINBERG: Okay. Now, on behalf of Patricia Brasher?

MR. HIGGS: Same.

JUDGE STEINBERG: On behalf of David Brasher?

MR. HIGGS: Same, Your Honor.

JUDGE STEINBERG: On behalf of D.L. Brasher?

1 MR. SCHWANINGER: That is David Brasher. And  
2 that's the same.

3 JUDGE STEINBERG: Okay. On behalf of Carol S.  
4 Lutz?

5 (No response.)

6 JUDGE STEINBERG: Let the record reflect no  
7 response. On behalf of O.C. Brasher?

8 MR. SCHWANINGER: Same.

9 JUDGE STEINBERG: Okay. Now, in the --

10 MR. SCHWANINGER: The estate of O.C. Brasher.

11 JUDGE STEINBERG: The estate of O.C. Brasher.

12 Now, you didn't file a written appearance for O.C. Brasher.  
13 At least I don't have one.

14 MR. SCHWANINGER: Actually, I think we did.

15 JUDGE STEINBERG: You did?

16 MR. SCHWANINGER: Yes.

17 JUDGE STEINBERG: Could you make a copy of it and  
18 get it to me, please --

19 MR. SCHWANINGER: We have it.

20 JUDGE STEINBERG: -- because I don't have that.

21 MR. SCHWANINGER: Okay.

22 JUDGE STEINBERG: Okay. On behalf of Jim Sumter?

23 (No response.)

24 JUDGE STEINBERG: Let the record reflect no  
25 response. On behalf of Norma Sumter? Let the record

1 reflect no response. On behalf of Melissa Sumter?

2 (No response.)

3 JUDGE STEINBERG: Let the record reflect no  
4 response. On behalf of Jennifer Hill?

5 (No response.)

6 JUDGE STEINBERG: Let the record reflect no  
7 response. On behalf of Metroplex Two-way Radio Service?

8 MR. SCHWANINGER: Same.

9 JUDGE STEINBERG: Okay. Mr. Higgs and Mr.  
10 Schwaninger. On behalf of DLB Enterprises, Inc.?

11 MR. SCHWANINGER: Same.

12 JUDGE STEINBERG: And on behalf of the Chief  
13 Enforcement Bureau, FCC?

14 MS. LANCASTER: Judy Lancaster and Bill Knowles-  
15 Kellett.

16 JUDGE STEINBERG: Okay. I didn't want you to fall  
17 asleep over there.

18 MS. LANCASTER: Thank you. I appreciate the  
19 nudge.

20 JUDGE STEINBERG: Okay. Let's get to the waiver  
21 of hearing that was filed by the Sumters and Jennifer Hill.  
22 On October 6, 2000, Jim Sumter, Norma Sumter, Melissa Hill,  
23 excuse me, Melissa Sumter, and Jennifer Hill filed a joint  
24 statement pursuant to Section 1.92 of the Rules.

25 Therein, those parties explicitly waived their

1 rights to a hearing and requested that they be severed from  
2 this proceeding and that the matter, as it relates to them,  
3 be certified to the Commission. The rules don't provide for  
4 any responsive pleadings. And I wondered if anyone cared to  
5 comment on the joint statement? Mr. Higgs?

6 MR. HIGGS: We don't have any problem with the  
7 1.92 filing of the, other than the contents therein. We  
8 didn't file an objection to it for the very reasons you  
9 pointed out. We had no procedural obligation to do so. And  
10 we thought that would probably be resolved in the case in  
11 the main, anyway. So as to the status of these parties, we  
12 have no problem.

13 JUDGE STEINBERG: Okay. Ms. Lancaster?

14 MS. LANCASTER: No, Your Honor. We don't have any  
15 problem with that.

16 JUDGE STEINBERG: Okay. The request of the  
17 Sumters and Ms. Hill will be granted. They will be severed  
18 from this case. And the matter, as it relates to them, will  
19 be certified to the Commission in accordance with Section  
20 1.92 of the Rules. And I'll issue an order to that effect  
21 shortly.

22 Now, we go to Ms. Lutz. The HTO named Carolyn S.  
23 Lutz as a party to this proceeding. To date, I have no  
24 record showing that Ms. Lutz filed a notice of appearance in  
25 this case. And she hasn't entered an appearance this

1 morning.

2 Under 1.92(a)(1) of the Rules, the failure to file  
3 a timely written appearance constitutes a waiver of the  
4 hearing. Does anybody have any comment on that? Mr. Higgs,  
5 Mr. Schwaninger?

6 MR. SCHWANINGER: Not at this time, Your Honor,  
7 no.

8 JUDGE STEINBERG: And, Ms. Lancaster?

9 MS. LANCASTER: Your Honor, Mr. Knowles-Kellett  
10 inadvertently found that Ms. Lutz has filed a waiver of a  
11 right to hearing. She filed a pleading, evidently, on  
12 October the 5th and then filed a supplemental pleading on,  
13 maybe, one was on October 21st, one was October 5th. I  
14 can't really tell that he just happened to have found on  
15 the, what's it called?

16 MR. KNOWLES-KELLETT: The Electronic Comment  
17 Filing System.

18 MS. LANCASTER: Right.

19 MR. KNOWLES-KELLETT: We weren't served with a  
20 copy.

21 MS. LANCASTER: Evidently, no one was served.

22 JUDGE STEINBERG: Okay. Do you have extras?

23 MS. LANCASTER: I do. I thought I brought both.  
24 Let me see. I did.

25 JUDGE STEINBERG: Thank you. Do you have one?



1 MR. SCHWANINGER: No. We have not been served or  
2 we're not aware.

3 JUDGE STEINBERG: Do you have an extra for them?

4 MS. LANCASTER: I do.

5 JUDGE STEINBERG: Let's go off the record and read  
6 these things through.

7 (Off the record from 9:08 to 9:14 a.m.)

8 JUDGE STEINBERG: On the record. Okay. While we  
9 were off the record, Mr. Schwaninger and Mr. Higgs read  
10 these two documents. And I read the two documents that Mr.  
11 Knowles-Kellett found that was sent in by Ms. Lutz.

12 Let me describe the first one. The first one  
13 appears to be a letter, five pages, dated September 21,  
14 2000. It's got a receipt stamped by the FCC's mailroom.  
15 And it was received on October 2, 2000. And I'll just note  
16 that the copy that I have doesn't show a signature.

17 The second document is dated September -- it's two  
18 pages -- it's dated September 29, 2000. And it bears a  
19 received stamp from the mailroom, FCC's mailroom, dated  
20 October 5, 2000. And the first line of the attached says,  
21 "Waiver of right to hearing."

22 And then there's a bunch of other stuff under that  
23 that's underlined, which I'm not going to read, because it's  
24 too long. And this one does bear a signature. It might be  
25 Carol Lutz's. It might not. I don't know.

1           Basically, in the second document, Ms. Lutz  
2     states, "I waive my right to a hearing. Further, I request  
3     that my license be revoked, give it to someone else," a  
4     cancel that Carol S. Lutz be deleted from further direct  
5     involvement in the present administrative law proceedings  
6     and some other stuff.

7           And I'll take that, this as being a waiver of her  
8     right to hearing under 1.92(a)(3) of the Rules. Does  
9     anybody want to comment on these two documents that  
10    apparently came from Ms. Lutz, other than the substance of  
11    them? Mr. Schwaninger?

12           MR. SCHWANINGER: Other than the substance of  
13    them, we would have no problem if the Court deemed that it  
14    would be proper to go ahead and grant a waiver of the right  
15    to a hearing based on these documents. We believe, at this  
16    time, that they are probably authentic. And therefore, if  
17    the board chooses to rule on that basis, we would have no  
18    difficulty with that.

19           JUDGE STEINBERG: Okay. Ms. Lancaster, you're  
20    looking up a rule.

21           MS. LANCASTER: Yes, sir.

22           MR. KNOWLES-KELLETT: The fact is actually null,  
23    right, because either by not showing or if she filed, either  
24    way she waived her right to her hearing. And it gets  
25    certified to the Commission with the Sumters. Right?

1 JUDGE STEINBERG: Okay.

2 MR. KNOWLES-KELLETT: So it really doesn't matter  
3 the lack of a signature or the authenticity of the  
4 documents.

5 JUDGE STEINBERG: Well, it's nice to know we have  
6 something, though.

7 MR. KNOWLES-KELLETT: Right.

8 JUDGE STEINBERG: Okay. Pursuant to Section  
9 1.92(c) of the Rules, Ms. Lutz will be severed from this  
10 proceeding. And this matter, as it relates to her, will be  
11 certified to the Commission. And I'll issue an order on  
12 that one, too. It might even be the same order. I haven't  
13 decided yet. It depends on -- I don't get paid by the page,  
14 though. If I did, then I would be short in the caption,  
15 which I'm going to do later on.

16 (Laughter.)

17 JUDGE STEINBERG: Okay. According to my records,  
18 we don't have any pleadings pending, other than the couple  
19 of things I've mentioned. Is that correct, Mr. Higgs, Mr.  
20 Schwaninger?

21 MR. SCHWANINGER: Yes.

22 MR. HIGGS: Yes, it is.

23 JUDGE STEINBERG: Ms. Lancaster?

24 MS. LANCASTER: That's correct, Your Honor. We do  
25 plan to file a request for admissions today and to be served

1 today and, probably, within the next day or two to file a  
2 request for production of documents.

3 JUDGE STEINBERG: Okay.

4 MS. LANCASTER: But we have not yet done that.

5 JUDGE STEINBERG: Okay. Now, does anybody have  
6 any questions on the scope of the issues in this case?

7 MR. SCHWANINGER: No. But I think the scope of  
8 the issues seem to be fairly broad to me, Your Honor. And  
9 quite frankly, what we will probably do pursuant to further  
10 discovery is try to narrow down the scope of the issue, so  
11 that we have a better idea of exactly where we're at. I  
12 believe at this time there appears to be some overlapping  
13 issues going on.

14 JUDGE STEINBERG: Well, that's okay.

15 MR. SCHWANINGER: All right. But we're really not  
16 all that troubled by them due to that particular status.  
17 We're just trying to get our hands around it and make sure  
18 that we've got our bases covered.

19 JUDGE STEINBERG: Okay. Ms. Lancaster?

20 MS. LANCASTER: Yes, sir. We understand.

21 JUDGE STEINBERG: Okay. Let me just, well, I'll  
22 get to that later. By order prior to prehearing conference  
23 released on September 7, 2000, I asked the parties to meet  
24 to discuss certain matters and to be prepared to report on  
25 the results of their discussion this morning. The parties

1 have met, haven't they?

2 MR. SCHWANINGER: Yes, by teleconference.

3 JUDGE STEINBERG: Okay. And who wants to report?  
4 Or, maybe, both of you.

5 MS. LANCASTER: Your Honor, I'll be happy to  
6 start. We did have a phone conference soon after we got  
7 your order. And we did come up with a tentative schedule  
8 for depositions in the beginning of the hearing. Again, I  
9 want to emphasize this is tentative, because we had no  
10 budget.

11 The FCC doesn't have a budget yet. So our  
12 deposition schedule, for example, anticipates that we will  
13 travel to Dallas to take all these depositions. And,  
14 obviously, if we don't have a budget, we can't travel to  
15 Dallas. But we have tentatively agreed that the depositions  
16 will be started on 11-28. And they will continue through  
17 the next week, which would be the week of December 4th, and  
18 that the Sumters' depositions will start December 4.

19 And then, after we're through with them, if we  
20 have any other additional depositions that we had not  
21 completed the prior week, we will finish up with them. And  
22 we did have Mr. McVeigh who, at least in a limited capacity,  
23 represents the Sumters agreed to the schedule, so that there  
24 shouldn't be a problem in getting everybody. And we also  
25 agreed that the hearing would start the first week of

1 February, which will be February the 5th, I believe, is the  
2 Monday of that week.

3 I do have two requests that I would like to put in  
4 while I've got the floor. The first one is that if we could  
5 start the hearings a little bit later, Mr. Knowles-Kellett  
6 has to come from Gettysburg. So he has to leave like, you  
7 know, before six in the morning to get here in time when we  
8 start at nine. And we would request, if at all possible and  
9 agreeable, that we not start till, like, 10.

10 MR. SCHWANINGER: Having driven that path numerous  
11 times myself to and from, it's fine with us.

12 MS. LANCASTER: And the only other thing would be  
13 that if there are additional pleadings to be filed or orders  
14 to be filed, we would appreciate it if Bill and I could be  
15 served separately because, again, he is in Gettysburg. And  
16 I am here.

17 JUDGE STEINBERG: Okay. I don't have any control  
18 over that. Of course, in terms of service of documents,  
19 pleadings and stuff, you can work that out with Mr.  
20 Schwaninger. And I would urge you to accommodate the  
21 bureau. With respect to the orders, I don't really have any  
22 control over that. What we do is we bring the orders down  
23 to somebody who prints them and delivers them to somebody  
24 else who mails them out.

25 MS. LANCASTER: Okay.

1 JUDGE STEINBERG: So you have to find that  
2 somebody else and ask them to do it. And my office, you  
3 know, just call Ms. Beech (phonetic) --

4 MS. LANCASTER: Okay.

5 JUDGE STEINBERG: -- and ask her. You know, she's  
6 extraordinarily cooperative, more cooperative than I am as a  
7 matter of fact.

8 MS. LANCASTER: I've noticed that already, Your  
9 Honor.

10 JUDGE STEINBERG: I know. Well, you know, you've  
11 been through one of these with me. But I don't have any  
12 problem. If it can't be worked out with the people that do  
13 it, let us know and we'll work it out.

14 MS. LANCASTER: Well, if it can't be worked out,  
15 then I can fax the orders over to Bill. It would just be  
16 nice if we could both get them.

17 JUDGE STEINBERG: Well, as a practical matter, if  
18 they were mailed out, I mean, they are generally mailed out.

19 MS. LANCASTER: Well, your last order, Your Honor,  
20 we never got it.

21 JUDGE STEINBERG: We never got it, either. We've  
22 taken that, no, I get a pack of them. And we never got our  
23 pack. And after about a week, we started saying where's our  
24 pack of stuff? And to date, we still haven't gotten it.  
25 But that's supposed to have been straightened out. A-ha.

1 MS. LANCASTER: Well, I know I contacted Mr.  
2 Schwaninger's office and Mr. McVeigh's office. And they had  
3 both gotten it. And we're in the same building. And we  
4 didn't get it. So I don't know who the powers are that  
5 distribute these things. But it was a problem.

6 JUDGE STEINBERG: Well, maybe, Mrs. Beech can  
7 persuade me to be a little nicer than I've been in the past.  
8 Okay.

9 MS. LANCASTER: The only other thing we did not at  
10 the time we had our phone conference, we did not discuss  
11 stipulations. But we have discussed that this morning. And  
12 Mr. Schwaninger has said that within the next 48 hours, he  
13 will be happy to give me a list of facts that they will be  
14 willing to stipulate to.

15 JUDGE STEINBERG: Okay.

16 MS. LANCASTER: As far as settlement of this  
17 matter or forfeiture in lieu of revocation, the bureau does  
18 not feel that that's appropriate at this time. We don't  
19 think of forfeiture in lieu of revocation is going to be  
20 appropriate, period, I don't believe. But as far as  
21 settlement, we believe it's a little early. We don't have  
22 enough facts yet.

23 JUDGE STEINBERG: Okay.

24 MR. SCHWANINGER: And just to report, Your Honor,  
25 we did make a good faith offer of settlement at this time



1 through the bureau. And as Ms. Lancaster was saying, they  
2 are still reviewing it. But they believe it's probably too  
3 early until they go through some discovery.

4 JUDGE STEINBERG: Okay. How about --

5 MS. LANCASTER: Well, the other thing was the  
6 submission of affirmative case in writing.

7 JUDGE STEINBERG: Yes.

8 MS. LANCASTER: Is that what you were going to ask  
9 me about?

10 JUDGE STEINBERG: Yes. You've got the burden of  
11 going forward.

12 MS. LANCASTER: Your Honor, at this point --

13 JUDGE STEINBERG: You don't know.

14 MS. LANCASTER: -- we don't know. We may have a  
15 handwriting expert that we could submit his testimony in  
16 writing. But we really feel that the veracity of the  
17 individuals who would be called to testify is so important  
18 that it would not be appropriate to submit their testimony  
19 in writing.

20 JUDGE STEINBERG: Okay. Mr. Schwaninger, Mr.  
21 Higgs, do you want to comment on any of that?

22 MR. SCHWANINGER: I tend to agree that the case,  
23 that portion of the case, will likely come down to the  
24 veracity of the individuals and that attempting -- given  
25 what we already have on the record thus far, particularly

1 with the Sumters' 1.92 filing, I think it's going to be  
2 necessary for us to, if it comes down to it, to actually see  
3 these people and take their testimony and actually determine  
4 the veracity of the parties who are 180 degrees apart from  
5 one another on this issue.

6 JUDGE STEINBERG: Okay. Now, turning to  
7 discovery, I just want to urge the parties to, if you have  
8 differences -- I can't imagine that you would have any  
9 discovery differences -- in the unlikely event that you do,  
10 please, make a good faith effort to work out your  
11 differences between yourselves and try to compromise to the  
12 greatest extent possible.

13 And I don't want you to come to me for a ruling on  
14 a discovery matter, unless you hit a brick wall. And if you  
15 hit a brick wall, then I'll be happy to help you resolve the  
16 matter and in a manner that, probably, one of you won't like  
17 or, maybe both of you.

18 I also should say that I believe in broad  
19 discovery that I don't, unless it's a matter of impeachment  
20 or, like a prior inconsistent statement or something like  
21 that, which you might want to put in your pocket for use at  
22 a later date, I don't think there should be very many  
23 surprises at the hearing, so that if you've got documents  
24 and the bureau wants them, turn them over.

25 If the bureau's got documents and Mr. Schwaninger

1 wants them, turn them over. I'm not talking about agenda  
2 items and stuff like that which you're not going to get.  
3 But I'm talking about, probably, the bureau, not probably,  
4 maybe, the bureau has written statements of the Sumters and  
5 Ms. Hill, and whatever, which Mr. Schwaninger's going to  
6 get.

7 And according to the ones, under the Jencks Rule,  
8 he's entitled to them, basically, after they've come and  
9 testified. But I would say if you can, in good conscience  
10 turn them over before the depositions so that he can have at  
11 them in the depositions, do that.

12 For instance, if you don't turn the statements  
13 over and, let's say, Ms. Hill comes up and testifies and  
14 then you say, okay, Mr. Schwaninger, here's her statement  
15 that she gave to the Commission investigator, she reads it  
16 and says I want to depose her again, I'll let him depose  
17 her. So now I know what the rule says. But I'm being a lot  
18 more flexible.

19 MS. LANCASTER: Your Honor, I believe at this  
20 point that you have, that Mr. Schwaninger's office has  
21 everything.

22 JUDGE STEINBERG: Okay. I didn't know that.

23 MR. SCHWANINGER: We may file a discovery request  
24 just to make sure that that's, we feel happy with that.

25 MS. LANCASTER: That's fine.

1 MR. SCHWANINGER: But other than that, I pretty  
2 much suspect we do have everything.

3 JUDGE STEINBERG: Okay. And if there's something  
4 that you find that falls within what Mr. Schwaninger wants,  
5 then turn it over as soon as you find it, and if somebody  
6 happens to be walking through the living quarters of the  
7 White House and discovers some records and stuff that nobody  
8 knew existed, you know, that we can get to the explanations  
9 later.

10 (Laughter.)

11 MS. LANCASTER: Your Honor, I know you might find  
12 this difficult to believe, but we actually want to find out  
13 the truth and, consequently, have no problem in making Mr.  
14 Schwaninger aware of the statements of opposing witnesses.

15 JUDGE STEINBERG: Okay. I've been redressed  
16 appropriately. Okay. Let's get to procedural dates. And  
17 you said you wanted to start the hearing, like, February  
18 5th?

19 MS. LANCASTER: Yes, Your Honor.

20 JUDGE STEINBERG: Okay. Is that okay with Mr.  
21 Schwaninger?

22 MR. SCHWANINGER: Yes.

23 JUDGE STEINBERG: Okay. That's a Monday. So you  
24 know your people, the people will have to travel over the  
25 weekend. Is that okay?

1 MR. SCHWANINGER: Yes.

2 JUDGE STEINBERG: Now, do we want to have --  
3 actually, if we're going to have a lot of live witnesses,  
4 then an admission session wouldn't do much good. So let's  
5 not have an admission session and just have, just you might  
6 want to rethink as I come up with these other dates. Let's  
7 go off the record. We don't need to talk about this.

8 (Discussion off the record from 9:30 a.m. to 9:36  
9 a.m.)

10 JUDGE STEINBERG: Back on the record. While we  
11 were off the record, we discussed procedural dates. And  
12 everybody's agreed to the following dates: January 19,  
13 2001, will be the date for completion of all discovery. And  
14 by completion, I mean completion. I don't mean that's the  
15 date you file your last request. What I mean is that  
16 whatever requests you file will be filed so that everything  
17 can be done by January 19th.

18 The date's a little bit flexible, because I know  
19 things come up that you might not have known about. But  
20 it's more firm than flexible. February 5, 2001, is the date  
21 for the exchange of direct case exhibits and a list of  
22 witnesses who will be called for oral testimony. And the  
23 February 5th date is the date that these items should be  
24 received by all the parties, not put in the mail or not  
25 given to a carrier. But everybody should have them in hand

1 by that date.

2 February 12, 2001, is the date for notification of  
3 witnesses desired for cross-examination. And such  
4 notification may be made by telephone or fax. If oral  
5 notification is given, it's got to be confirmed in writing.  
6 February 16, 2001, date for objections to witness  
7 notification; and February 26, 2001, will be the date for  
8 the commencement of the hearing at 10:00 a.m. in the  
9 Commission's Washington, D.C. offices. Mr. Schwaninger, are  
10 these dates agreeable to you?

11 MR. SCHWANINGER: Yes, Your Honor.

12 JUDGE STEINBERG: Ms. Lancaster?

13 MS. LANCASTER: Your Honor, these dates are  
14 agreeable. And as far as we know now, again, the budget  
15 constraints may force changes on our part. Okay.

16 JUDGE STEINBERG: That's totally understandable.  
17 And should something come up, we'll deal with it. The next  
18 thing I have is the caption in this case is three pages  
19 long. And we can save a lot of trees by agreeing to shorten  
20 it. And I blatantly plagiarized from the caption that Mr.  
21 McVeigh used in his joint statement pursuant to 1.92. And  
22 let me hand you copies of it.

23 And if it's, thank you, and if it's agreeable with  
24 everyone, then we'll just shorten the caption as shown here.  
25 And if I've got any typos in here, you know you can call me

1 and let me know. Anybody have any trouble with that? Mr.  
2 Schwaninger?

3 MR. SCHWANINGER: No.

4 MS. LANCASTER: Actually, that's the caption that  
5 I've been using all along for a draft.

6 JUDGE STEINBERG: Okay. Was your et al in  
7 italics?

8 MS. LANCASTER: Yes. Well, it was italicized.

9 JUDGE STEINBERG: Well, we had a long discussion,  
10 should it be italicized?

11 MS. LANCASTER: Yes.

12 JUDGE STEINBERG: It's a common -- well, we won't  
13 get into that. I don't think it'll make any difference. If  
14 you want to italicize et al., you may. I'm not going to.  
15 But I also may, like, on occasion use the long-form caption.  
16 For instance, with the 1.92, Rule 1.92 thing, I think it's  
17 important that I use the long-form caption, because one of  
18 the ordering clauses is going to delete those, the names of  
19 those parties, from the caption.

20 So I think it would be, I don't know if anybody  
21 actually does it. But I think it would be nice to have it  
22 there, so that people could see that it's going to be  
23 deleted, which is silly. Okay. So we'll use that shortened  
24 caption, except when you don't want to. Okay. Any other  
25 matters that we need to discuss this morning before we

1 recess? Mr. Schwaninger?

2 MR. SCHWANINGER: Not at this time, Your Honor.

3 JUDGE STEINBERG: Ms. Lancaster?

4 MS. LANCASTER: No, Your Honor.

5 JUDGE STEINBERG: Okay. And I'll give you, before  
6 you go off for your depositions, somebody give me a call,  
7 and I'll give you my home phone number. And you can call me  
8 up at home and ask me for rulings. And I hope you will do  
9 that. But if you would give me a schedule for when certain  
10 things are going on, when you plan to depose certain people,  
11 you know, dates and times, I'll make sure that I'm in my  
12 office or at home, so that I can be there if you need me.

13 And as I said, I'm off a lot in December. Okay.  
14 If there will be nothing further, we will be in recess. And  
15 if you need another conference, just somebody call and let  
16 me know. Okay. We're off the record now.

17 (Whereupon, at 9:41 a.m., the hearing in the  
18 above-entitled matter was adjourned.)

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**REPORTER'S CERTIFICATE**

FCC DOCKET NO.: EB00-156

CASE TITLE: Ronald Brasher, et al

HEARING DATE: October 23, 2000

LOCATION: Washington, D.C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

Date: \_10/23/00\_

\_Muriel Barclay\_\_\_\_\_  
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I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

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